IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

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Jai Singh. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 981/2005

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Date of Order: May 31, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Manish Pitaliya, for the petitioner.
Mr. B.L. Tiwari, Deputy Government Advocate, for respondents.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of the order Annx.3 dated 1-5-2003.

Heard learned counsel for the parties.

It is submitted by the learned counsel for the petitioner that an identical writ petition, being SBCWP No.79/2002 (Raghuveer Singh Vs. State of Rajasthan & ors.), came to be allowed by this Court vide order dated 5-7-2002 directing the respondents therein to pass an appropriate order of absorption of the petitioner therein in the light of the Circular dated 14-11-1996 treating him as if he has completed ten years of service from the date of his initial appointment and not from

the date of granting the status of semi-permanent and, therefore, the petitioner herein also deserves the same treatment to that of Raghuveer Singh, the writ petitioner in the aforesaid writ petition No. 79/2002. It has further been submitted that the order passed by this Court in Raghuveer Singh Vs. State of Rajasthan & ors. (supra) has attained finality as the State did not challenge the same by way of filing an appeal.

In my view, the facts stated in the writ petition and the facts in Raghuveer Singh's case (supra) are almost identical. The petitioner herein was initially appointed by the order dated 16.11.1985 on the post of Tulara and since then he has been working with the respondents on the said post. Thereafter the services of the petitioner came to be regularised from 1-1-1998 as he had completed more than 10 years satisfactory service as on 31-12-1997, vide order Annx.1. The respondent State of Rajasthan issued a direction vide orders dated 14-11-1996 and 12-3-1997 to the effect that all the daily wages employees were to be absorbed on the post of Forest Guard who have completed 8 years' regular service in the Forest Department upto 31-12-1993. The petitioner herein was initially appointed on 16-11-1985 and he has been working in the Forest Department since then and, thus, according to the petitioner, he has completed more than 8 years' service as on 31-12-1993 and, therefore, he

is entitled to be absorbed on the post of Forest Guard.

Vide order Annx.3, the respondents declined to absorb the petitioner in the Forest Department on the ground that he had not completed 8 years of regular service in the department while computing the period of eight years from the date he was conferred with the status of semi-permanent with effect from 1-4-1988.

In Raghuveer Singh Vs. State of Rajasthan & ors. (supra), Raghuveer Singh was appointed on 1-10-1979 and he had completed 10 years' of service and was eligible to be considered for absorption on the post of Forest Guard as per the order of the State Government dated 14-11-1996 (Annx.5 therein). In the order dated 14-11-1996, there was a specific mention that the employees who completed 10 years' of service till 31-12-1993 will be first absorbed. In that case, the claim of the petitioner therein seeking absorption was rejected by saying that he had not completed 10 years' service during the period from 1-4-1991 which appears to be on the basis of the date when the petitioner therein was given the status of semi permanent after completion of 2 years of service. The order dated 14-11-1996 no where provides that the service of work charge employee is to be counted from the date of conferment of semi-permanent status and on these premises, this Court allowed the writ petition filed by Raghuveer Singh.

In my view, the facts in Raghuveer Singh's case and the instant case are almost identical and, therefore, the petitioner herein also deserves the same treatment.

In the result, the writ petition is allowed. The impugned order Annx.3 is quashed and the respondents are directed to pass appropriate order in the light of the Circular dated 14-11-1996 treating the petitioner herein as if he has completed 10 years' service from the date of his initial appointment and not from the date of conferment of semi permanent status. Stay petition also stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

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